

seventh Legislature, entitled 'An Act authorizing counties having an assessed valuation of not less than Twenty Million (\$20,000,000.00) Dollars and a population of not more than three (3) persons per square mile to vote, levy, assess and collect a County-wide School Maintenance Tax; providing for the appointment and administration thereof; making other provisions related to such subject; repealing all laws in conflict herewith to the extent of such conflict; specifically repealing Chapter 7, 43rd Legislature, First Called Session and Chapter 54, 45th Legislature, with the provision that such repeal shall not affect taxes heretofore levied thereunder, validating all acts done, elections held, for any purpose which are authorized by this Act, and validating taxes levied in such counties; and declaring an emergency'; containing a validating provision; and declaring an emergency."

H. C. R. No. 75. Paying tribute to Hon. Chester W. Nimitz.

S. C. R. No. 24, Inviting Captain "Eddie" Rickenbacker to address the Legislature.

#### Session to Consider Local and Uncontested Bills

Senator Chadick announced a session would be held Thursday, April 17, 1947, for the purpose of considering local and uncontested bills only.

#### Hour for Executive Session

On motion of Senator Brown, the Senate agreed to hold an executive session at 11:00 o'clock a. m. Monday, April 14, 1947.

#### Reports of Standing Committees

By unanimous consent the following reports were submitted at this time:

Austin, Texas,  
April 10, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 389, instructs me to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,  
April 10, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 387, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COUSINS, Chairman.

#### Adjournment

On motion of Senator Lane, the Senate, at 12:30 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, April 14, 1947.

#### Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

#### FIFTIETH DAY

(Monday, April 14, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 10, 1947, was dispensed with and the Journal approved.

#### Leave of Absence Granted

Senator Weinert was granted leave of absence for today and the remainder of the week on account of illness in his family on motion of Senator Ramsey.

### Invitation to Livestock Show of State Institutions

The President presented Mr. Carlos Ashley, who presented to the Senate a group of girls from the State School for the Deaf.

The girls distributed the following invitation to the members of the Senate:

#### Fourth Annual State INSTITUTIONAL EXHIBIT and

#### LIVESTOCK SHOW

#### TEXAS SCHOOL FOR THE DEAF

April 16 and 17, 1947

##### Monday, April 14

8:00 A.M.—The gym at the School for the Deaf will be opened at eight o'clock for any visiting schools to move their supplies in. The general framework of the booths will be ready for you by noon on the above date and you may set up your booths any time after dinner. The gym will remain open for any group wanting to work at night.

##### Tuesday, April 15

8:00 A.M.—The gym will be opened at eight o'clock for all workers responsible for setting up any exhibits.

2:00 P.M.—Superintendents will present list of their delegation for registration to the secretary at the office in the gym.

3:00 P.M.—Meeting of all superintendents in the reception room of Unit II.

6:00 P.M.—All entries must be in place and ready for judging by six o'clock.

7:00 P.M.—Judging begins in all divisions except livestock. (No exhibit is open to the public before April 16.)

##### Wednesday, April 16

8:00 A.M.—Gym will be opened at eight o'clock to check all exhibits before official opening. Each booth must be straight and ready for the public by 9:00 A.M.

9:00 A.M.—Judging of Dairy Cattle.

9:00 A.M.—All Literary and Vocational exhibits open to public.

9:30 A.M.—Judging Dairy entries.

10:00 A.M.—Austin State School hour.

10:00 A.M.—Judging of Swine.

11:00 A.M.—Waco State Home School hour.

11:00 A.M.—Judging of Sheep.

1:00 P.M.—Judging of Fat Steers.

2:00 P.M.—Gatesville State School for Boys School hour.

2:00 P.M.—Judging of Poultry.

3:00 P.M.—Texas School for the Blind School hour.

4:00 P.M.—Gainesville State School for Girls School hour.

7:00 P.M.—Alabama - Coushatti School hour.

8:00 P.M.—Texas School for the Deaf School hour.

##### Thursday, April 17

8:00 A.M.—Gym will be opened at eight o'clock to check all exhibits before opening the gym to the public.

8:30 A.M.—Livestock and Dairy Judging Contest.

9:00 A.M.—Mexia State School choir.

9:30 A.M.—Brady State School singing.

10:00 A.M.—San Antonio State Hospital hour.

11:00 A.M.—Corsicana State Home School hour.

1:00 P.M.—Auction Sale of all entries of Fat Calves, Fat Lambs, and Fat Hogs.

3:00 P.M.—Exhibits may be removed.

An hour has been allotted each named school for any type of program they wish to present. The institutions located in Austin will please observe visiting hours as follows:

Austin State School—April 16 from 9:00 a.m. to 12:00 noon.

State School for the Blind—April 16 from 1:00 p.m. to 5:00 p.m.

State School for the Colored Deaf-Blind—April 17 from 9:00 a.m. to 12:00 noon.

##### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has concurred in Senate amendments to House Bill No. 292 by a vote of 116 yeas, 4 noes.

The House has concurred in Senate amendments to House Bill No. 330 by a vote of 118 yeas, 0 noes.

S. C. R. No. 25, To accept portraits of Texas Heroes in joint session Thursday morning, April 24, 1947 at eleven o'clock.

The House has concurred in Senate amendments to House Bill No. 334 by a vote of 117 yeas, 0 noes.

S. B. No. 40; An Act providing for Workmen's Compensation for employees who incur occupational diseases; (with amendments.)

S. B. No. 383, A bill to be entitled "An Act amending Article 3162, Revised Civil Statutes of 1925, by eliminating therefrom the requirement that independent candidates for nomination for city office be required to file a petition of five per cent of the entire vote cast in such city or town at the last general election; providing a method for independent candidates to file for a city or town office; repealing all laws in conflict and declaring an emergency."

S. C. R. No. 19, Granting permission to Mrs. Jim P. Phelps, a widow, individually, and as the next friend of James Elton Phelps and Larry Gene Phelps, both minors, to bring suit against the State of Texas. (With amendments.)

S. C. R. No. 20, Granting permission to J. A. Honeycutt to bring suit against the State of Texas.

H. C. R. No. 48, Relative to the appointment of a Committee to study Educational needs within the State.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 77

(Address by General Jonathan M. Wainwright)

Senator Winfield offered the following resolution:

Whereas, The Senate of Texas recently passed a resolution making General Jonathan M. Wainwright a native Texan and commended him for his splendid war record; and

Whereas, The General is in the Capitol this morning and wishes to extend his appreciation for the resolution; now, therefore, be it

Resolved, That General Wainwright be invited to address the Senate and be extended the courtesy of the floor for the day.

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelley of Hidalgo, Kelly of Tarrant, Knight, Lane, Mauritz, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Strauss, Taylor, Tynan, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Kelley of Hidalgo, the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.

In accordance with the provisions of the above resolution, the President announced the appointment of the following committee to escort General Wainwright to the President's rostrum:

Senators Winfield, Tynan and Jones.

The committee having performed the duty assigned it, the President presented Senator Winfield who presented General Wainwright to the Senate.

General Wainwright addressed the Senate briefly and thanked the Members of the Senate for the honor conferred upon him.

#### At Ease

At 10:45 o'clock a. m., the Senate stood at ease subject to the call of the Chair.

The President called the Senate to order at 10:55 o'clock a. m.

#### Senate Resolution 78

(Extending Best Wishes to Class of Coleman High School)

Senator Hardeman offered the following resolution:

Whereas, The Coleman Chapter of the National Honor Society, together with its sponsors, are in the City of Austin and are visiting the Senate of Texas, and

Whereas, Said Chapter exists at the Coleman High School, Coleman, Texas, and is composed of students who have made an average grade of more than 90 in all subjects taken, and

Whereas, It is the desire of the Senate to extend to the Coleman Chapter of the National Honor Society its best wishes, now, therefore, be it

Resolved by the Senate of Texas, That the Senate extend its good wishes to the aforesaid Chapter and recognize the scholastic attainment of the members thereof, and that a copy of this resolution be forwarded to the Coleman Chapter at the Coleman High School, Coleman, Texas.

The resolution was read and was adopted.

#### Reports of Standing Committees

Senator Parrish submitted the following report:

Austin, Texas,  
April 9, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, have had under consideration S. B. No. 380 and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PARRISH, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,  
April 9, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, have had under consideration S. C. R. No. 26 and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

Senator Carney submitted the following report:

Austin, Texas,  
April 4, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 546, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Morris submitted the following report:

Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 33, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. 36, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY of Hidalgo, Chairman.

#### Executive Session

At 11:00 o'clock a. m., the President announced the arrival of the hour for an executive session of the Senate and ordered the floor and the galleries cleared of all those not entitled to attend the executive session and directed all doors leading from the Chamber to be closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following appointments had been confirmed by the Senate:

To be members of the State Board of Nurse Examiners for six year terms to expire April 9, 1953:

Miss Daisy Moore of Houston, Harris County.

Mrs. Wynn McMinn of Beaumont, Jefferson County.

To be judge of the special 9th District Court, term to begin June 30, 1947, to succeed Honorable E. T. Murphy, resigned:

Ernest Coker of Livingston, Polk County.

#### In Legislative Session

The President called the Senate to order as in Legislative session at 11:15 o'clock a. m.

#### Senate Bill 390 on First Reading

Senator Ramsey moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent—Excused

Mauritz Weinert

The following bill then was introduced, read first time and referred to the Committee on Banking.

S. B. No. 390, A bill to be entitled "An Act amending Article 4622, Revised Civil Statutes, 1925, providing that funds on deposit in any bank or banking institution, whether in the name of the husband or wife, shall be presumed to be the separate property of the party in whose name they stand unless said bank or banking institution is notified to the contrary; providing that banks or banking institutions shall not be liable to either party for withholding funds after such notice has been given, and declaring an emergency."

#### House Joint Resolution 36 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 36, Proposing an amendment to the Constitution of the State of Texas so as to provide that all sheriffs, deputy sheriffs, county law enforcement officers including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, constables, deputy constables, and precinct law enforcement officers shall be compensated on a salary basis in all of the counties in this State beginning January 1, 1948; providing for submission of this amendment to the vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

The resolution was read second time.

Question—Shall the resolution be passed to third reading?

On motion of Senator Lane, further consideration of the resolution was postponed until Tuesday, April 15, 1947.

#### Motion to Place Senate Bill 1 on Second Reading

Senator Kelley of Hidalgo moved to suspend the regular order of business to take up Senate Bill No. 1 for consideration at this time.

The motion was lost by the following vote:

Yeas—12

Bullock	Kelly of Tarrant
Cousins	Parrish
Hardeman	Phillips
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Winfield

Nays—15

Aikin	Moffett
Brown	Morris
Carney	Proffer
Chadick	Ramsey
Crawford	Stanford
Jones	Strauss
Knight	Vick
Lane	

Absent

York

## Absent—Excused

Mauritz

Weinert

## Senate Resolution 65

The President laid before the Senate for consideration at this time, Senate Resolution No. 65, Providing for delegate to State Constables' Convention.

The resolution having been read on Tuesday, April 1, 1947.

Question—Shall the resolution be adopted?

On motion of Senator Lane, the resolution was tabled.

## Senate Bill 325 on Second Reading

Senator Lane moved to suspend the regular order of business to take up Senate Bill No. 325 for consideration at this time.

Question—Shall the motion prevail?

Pending the call of the roll on the question as stated, Senator Morris requested that the motion of Senator Lane be submitted in writing and he raised a point of order against its further consideration or the taking of a vote on it at this time.

Senator Morris reduced his point of order to writing as follows:

"I raise the point of order against the motion to take up S. B. No. 325 out of its regular order, on the ground that further consideration of the motion at this time is in violation of Senate Rule 47 requiring all motions to be reduced to writing if desired by any Senator."

The President overruled the point of order and stated that a Senator may not insist on a motion's being submitted in writing after the call of the roll on the question of whether or not the motion shall prevail has already commenced.

Question then recurring on the motion of Senator Lane, it prevailed by the following vote:

## Yeas—22

Aikin	Hazlewood
Brown	Jones
Bullock	Kelley of Hidalgo
Carney	Kelly of Tarrant
Cousins	Knight
Crawford	Lane
Hardeman	Moffett
Harris	Parrish

Phillips  
Ramsey  
Strauss

Taylor  
Tynan  
Winfield

## Nays—4

Chadick  
Morris

Stanford  
Vick

## Absent

Proffer

York

## Absent—Excused

Mauritz

Weinert

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 325, A bill to be entitled "An Act providing that as between the parties, their heirs, executors, administrators, successors or assigns, to any oil and gas lease, hereinafter made or entered into covering property in Texas, where a determination of the rights of the parties may call for a measurement or determination of the amount of natural gas involved in any particular, all such natural gas shall be measured and calculated on the basis of the standard cubic foot of natural gas as defined in subdivision (k) of Section 2 of Article 6008, Revised Civil Statutes of Texas as amended by House Bill 266, Acts Regular Session, 44th Legislature, except that correction shall be made also for deviation, if any, from Boyle's law."

The bill was read second time.

Senator Lane offered the following committee amendment to the bill:

Amend S. B. No. 325 by striking out in line 3 of the caption the word "hereinafter" and inserting in lieu thereof the word "hereafter."

The committee amendment was adopted.

Question—Shall the bill be passed to engrossment?

## Conference Committee on Senate Bill 20

The President announced the appointment of the following Conference Committee on Senate Bill No. 20:

Senators Kelley of Hidalgo, Winfield, Stanford, Lane and Chadick.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 89, A bill to be entitled "An Act amending Acts, 1935, Forty-fourth Legislature, Special Laws, page 1210, Chapter 45, as amended by House Bill No. 281, Acts of 1943, Forty-eighth Legislature, Regular Session, Chapter 207, page 323, prohibiting the transportation of minnows of any and all species out of the counties wherein such minnows are caught, seined, or taken; provided that this Act shall only apply to persons, firms or corporations transporting minnows caught, seined, or taken from the waters of the Counties of McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco, Lampasas, Mason, Parker, Jack, Young and by adding thereto the Counties of Burnet, Williamson, Travis, Hill, Palo Pinto and Stephens; providing that the possession of more than five hundred (500) minnows by any person, firm or corporation at one time shall constitute prima facie evidence of the violation of this Act; providing that with reference to certain counties nothing in this Act shall prohibit the transportation of minnows from one county to another when said minnows have been raised in a minnow hatchery in this State; defining a minnow hatchery; providing a penalty; and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act providing that a husband and wife may by written agreement partition or exchange between themselves any part or all of their community property so that the former community interest of each spouse shall thereafter constitute the separate property of each spouse; and providing the terms under which such agreements may be made; providing that such instrument must be recorded in order to be effective against innocent purchasers for value; and repealing all Acts or parts of Acts in conflict herewith to the extent of

such conflict only; and declaring an emergency."

H. B. No. 127, A bill to be entitled "An Act amending H. B. No. 191 of the 49th Legislature granting the Commissioners Courts the privilege of paying a bounty for the destruction of predatory animals; providing amount and manner of payment; and declaring an emergency."

H. B. No. 166, A bill to be entitled "An Act to amend Section 5 of Chapter 3 of the General Laws of the Second Called Session, 43rd Legislature, 1933, as amended by Section 1, Chapter 21, 44th Legislature, 1935, to provide that license plates may be purchased and placed on vehicles beginning February 1st, in the event this date falls on Sunday they may be purchased beginning on February 2nd; providing a saving clause; and repealing all laws in conflict herewith."

H. B. No. 217, A bill to be entitled "An Act to amend Articles 968, 969, 970, 971, and 1053, Code of Criminal Procedure of the State of Texas, 1925, providing for inquests and procedure and fees in connection therewith; containing provisions regarding the cremation of bodies, making it unlawful to violate such provisions, and fixing penalties for such violations; amending Section 1, H. B. 613, page 343, General Laws, Regular Session, 46th Legislature, 1939; providing that physicians who perform autopsies under invalid orders of a Justice of the Peace in the good faith belief that such orders are valid shall not be liable therefor; providing that if any section, part of a section or provision of this Act is held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Act; and declaring an emergency."

H. B. No. 221, A bill to be entitled "An Act permitting the adoption of adults in the same manner as is now provided for the adoption of minors; and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas, 1925, as amended by Act of the Forty-ninth Legislature, Chapter 268, page 422, so as to provide for County Juvenile Boards in counties having a population of less than seventy thou-

sand (70,000) inhabitants according to the last preceding Federal census, and forming a part of a Judicial District composed of seven or more counties having a combined population of more than fifty-two thousand (52,000) inhabitants, or forming a part of a Judicial District composed of five or more counties having a combined population of more than seventy-two thousand (72,000) inhabitants according to such last preceding Federal census; providing for additional salaries for their members; and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act amending Section 11, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939, to define the term 'person' as used in the 'Certificate of Title Act'; amending Section 60, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939; providing that the 'Certificate of Title Act' shall apply to vehicles owned or acquired by the State, County, City, School District, or any other subdivision of State Government; providing that the provisions of the Act regarding payment of fees shall not be applicable to these agencies; providing a saving clause; and repealing all laws in conflict herewith."

H. B. No. 287, A bill to be entitled "An Act changing the name of the Deaf, Dumb and Blind Asylum for Colored Youths and Colored Orphans to be hereafter known as Texas Blind, Deaf and Orphan School; and declaring an emergency."

H. B. No. 297, A bill to be entitled "An Act to amend Article 883 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new provision to be known as 'Article 883 (a)' providing for the declaration of the reasonable value of household goods; personal effects and used office furniture and equipment by the shipper, owner or his agent at the time same are tendered to specialized motor carriers or other carriers for hire for transportation; fixing the liability in damages of such carriers for the loss, destruction, damage or delay in transit of such property; providing the Railroad Commission of Texas shall approve and establish adequate rates consistent with such declared values; that if the Railroad Commission fails or refuses to approve and establish such rates then it shall be the duty of

such carriers to assess and collect reasonable transportation charges consistent with the declared value of such property; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act to amend Chapter 314, Acts of the Regular Session of the Forty-first Legislature, 1929, as amended at subsequent sessions of the Legislature (Article 911b, Revised Civil Statutes of Texas, 1925) by adding thereto a new Section to be known as Section 18a; providing for the reciprocity between Texas and other States of the United States with reference to the payment of certain fees and expenses by Motor Carriers operating exclusively in interstate commerce with certain exceptions; providing for notice to the Railroad Commission of Texas; providing that it shall not be necessary for such interstate carriers to display on their vehicles identification plates issued by the Railroad Commission of Texas; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act to amend Section 1 of House Bill No. 109, Chapter 38, Acts Regular Session, 41st Legislature, 1929, providing for exchange of teachers by designated proper authorities in the State of Texas; and declaring an emergency."

H. B. No. 388, A bill to be entitled "An Act declaring the policy of the State relative to the Permanent School Fund and the Available Fund and insolvent school districts owing such Funds; authorizing the State Board of Education to revise, readjust, modify, refinance and refund debts due such funds by insolvent school districts; prescribing conditions under which refunding bonds may be accepted in exchange for obligations due such funds; prescribing terms and conditions of refunding bonds to be thus accepted; providing manner in which such refunding bonds shall be authorized by such Districts; authorizing the State Treasurer to exchange bonds and obligations held by him as Custodian of said funds; enacting other provisions relating to the subject; prohibiting the release or extinguishment of any debt or obligation due and payable to either fund; providing this Act shall take precedence in event of conflict with



other laws; providing severability clause; and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act fixing the compensation of Official Shorthand Reporters and providing for the payment thereof in counties having a population of not less than two hundred and twenty-five thousand (225,000) and not more than three hundred and ninety-eight thousand (398,000) according to the last preceding or any future Federal census; providing a saving clause; repealing all laws and parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act authorizing certain counties to sell or lease their county hospital, provided the Commissioners' Court of such county, by an order entered in the minutes, finds that it is to the best interest of the county to sell or lease such hospital; and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act to amend Chapter 101 of the Acts of the 42nd Legislature, as amended by the Acts of 1941, 47th Legislature, page 1346, Chapter 610, Section 1, and as further amended by the Acts of 1943, 48th Legislature, page 604, Chapter 349, Section 1, and as further amended by the Acts of 1943, 48th Legislature, page 602, Chapter 347, Section 1; and declaring an emergency."

H. B. No. 429, A bill to be entitled "An Act to be known as Article 494-a of the Code of Criminal Procedure of Texas, providing for compensation of counsel appointed to defend persons who are too poor to employ counsel in capital felony cases; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act to amend Article 3638, Revised Civil Statutes of Texas, 1925, relating to service of citation by publication and/or posting and return on final accounts in estates of decedents; and declaring an emergency."

H. B. No. 453, A bill to be entitled "An Act amending Section 26 of House Bill No. 599, Chapter 86, page 161, Acts of Regular Session, 45th Legislature, 1937; providing a saving clause; and declaring an emergency."

H. B. No. 460, A bill to be entitled "An Act authorizing the State of Texas to invest certain funds in government bonds or other obligations of the United States of America, and authorizing any political subdivision of the State of Texas which heretofore has issued and sold bonds and is unable to obtain labor and materials to carry out the purpose for which the bonds were issued may invest the proceeds now on hand in government bonds or other obligations of the United States of America; providing that whenever such political subdivisions are able to acquire the necessary labor and materials, the bonds of the United States in which said proceeds are invested shall be sold or redeemed and the proceeds of said bonds shall be used for the purpose for which the bonds of any such subdivision were authorized; and declaring an emergency."

H. B. No. 496, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of six separate tracts or parcels, in Denton County, necessary for the expansion and improvement of State Highway No. 24, from North Locust Street in the City of Denton easterly to the Denton-Collin County Line; and declaring an emergency."

H. B. No. 497, A bill to be entitled "An Act creating the Lavaca County Flood Control District in Lavaca County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Lavaca County; providing that State laws applicable to contracts and accounting for funds shall apply to said district; making the Act cumulative of other laws; providing for the use of public property by said District; granting the right of eminent domain; providing laws relating to as-

assessing and collecting State and county current and delinquent taxes shall apply to said District; validating the Lavaca County Flood Control District and any and all acts heretofore performed or done by the district or in relation to the district or in connection with the district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 501, A bill to be entitled "An Act requiring County Commissioners' Courts to compensate sheriffs and their deputies for transportation or furnish adequate transportation within the State; and declaring an emergency."

H. B. No. 507, A bill to be entitled "An Act to amend paragraphs 2 and 4 of Section 1 of Chapter 196, House Bill No. 322, of the General Laws passed by the Regular Session of the Forty-third Legislature; and declaring an emergency."

H. B. No. 510, A bill to be entitled "An Act creating the Colorado County Flood Control District in Colorado County, Texas and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Colorado County; providing that State laws applicable to contracts and accounting for funds shall apply to said District; making the Act cumulative of other laws; providing for the use of public property by said District; granting the right of eminent domain; providing laws relating to assessing and collecting State and County current and delinquent taxes shall apply to said District; validating the Colorado County Flood Control District and any and all acts heretofore performed or done by the district or in relation to the district or in connection with the district; providing that if any

provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act amending Article 1188, Revised Civil Statutes, 1925, to permit consolidation of adjoining and contiguous cities and towns; and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act creating the Fayette County Flood Control District in Fayette County, Texas and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Fayette County, providing that State laws applicable to contracts and accounting for funds shall apply to said District; making the Act cumulative of other laws; providing for the use of public property by said District; granting the right of eminent domain; providing laws relating to assessing and collecting State and County current and delinquent taxes shall apply to said District; validating the Fayette County Flood Control District and any and all Acts heretofore performed or done by the district or in relation to the district or in connection with the district; providing that if any provision of this act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 516, A bill to be entitled "An Act creating the Jackson County Flood Control District in Jackson County, Texas and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions

for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Jackson County; providing that State laws applicable to contracts and accounting for funds shall apply to said Districts; making the Act cumulative of other laws; providing for the use of public property by said District; granting the right of eminent domain; providing laws relating to assessing and collecting State and County current and delinquent taxes shall apply to said District; validating the Jackson County Flood Control District and any and all acts heretofore performed or done by the district or in relation to the district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 548, A bill to be entitled "An Act to authorize Commissioners Courts to abandon lands donated to counties for county seats, courthouses and other county purposes, and abandoned and not used for such purposes for forty (40) years or more; to reconvey to the donors or to their successors in the title, all such abandoned lands; validating reconveyances of such lands heretofore made by Commissioners Courts; and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act amending Section 5, Article 517a of the Acts of 1943, Forty-eighth Legislature, page 94, Chapter 68, exempting employees engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables; and declaring an emergency."

H. B. No. 525, A bill to be entitled "An Act amending Article 1525d, Title 17 of Vernon's Annotated Penal Code, being Acts 1937, Forty-fifth Legislature, page 875, Chapter 431, providing for branding animals infected with Bang's disease, and providing a penalty; and amending Article 1525e, Title 17 of Vernon's An-

notated Penal Code, being Acts 1939, Forty-sixth Legislature, Chapter 18, page 250, making it unlawful for a person to sell cattle infected with Bang's disease and making the selling of cattle branded with the letter 'B' a prima facie violation of the Act and providing a penalty; and declaring an emergency."

H. B. No. 555, A bill to be entitled "An Act authorizing Commissioners of drainage districts to join with any governmental agency, county or political subdivision, any city, town, or railroad company, or any other person, corporation, or association, in constructing and maintaining drainage improvements and to pay their portion of the costs thereof; authorizing Commissioners of drainage districts to purchase necessary supplies and equipment and operate same for the maintenance, enlargement, extension, or improvement of the drainage systems; providing where the costs of supplies and equipment do not exceed \$150.00 it is not necessary to take bids; providing the method of certifying the indebtedness incurred for payment; providing the procedure for advertising for bids when bids are taken for accepting bids and awarding contracts by the drainage Commissioners, and providing for contractor's bond; authorizing Commissioners of drainage districts to make changes in, additions to, and improvements to the drainage systems; providing for payment therefor from maintenance funds; providing that nothing in this Act shall be construed as authorizing the levy of any tax in excess of the amount authorized by law for such purposes; authorizing Commissioners of drainage districts to construct and maintain drainage improvements along or across any roads or streets with the consent and under the regulations to be prescribed by the Commissioners Court or the governing body of the municipality; providing for the compensation of drainage Commissioners upon application to the Commissioners Court showing the necessity therefor and the manner of fixing such compensation by the Commissioners Court, not to exceed \$150.00 in any one month; providing this Act shall apply only to counties having a population in excess of 150,000 inhabitants and less than 350,000 inhabitants according to the latest preceding or any future Federal cen-

sus; repealing all laws conflicting only to the extent of such conflict; providing this Act shall be known as Article 8161b; providing a savings clause; and declaring an emergency."

H. B. No. 571, A bill to be entitled "An Act fixing the compensation of certain designated District, County and Precinct Officers in counties having a population of five hundred thousand (500,000) or more according to the last preceding or any future Federal census and providing the method and means for payment; and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act to authorize districts created under the provisions of any section of Title 128, R. S. 1925, composed of less than the whole of the county and situated wholly within counties having a population of 500,000 or more according to the last preceding or any future Federal census to contract for auditing services, providing for the filing of audit reports, prescribing rules in regard to auditing of accounts, providing for the payment of the expenses thereof; and declaring an emergency."

H. B. No. 584, A bill to be entitled "An Act amending Acts 1939, Forty-sixth Legislature, page 605, Section 1, in all counties having a population of more than 140,000 inhabitants and less than 338,000 inhabitants according to the present Federal census, General or Special, providing for the compensation of County Purchasing Agents and their assistant; and declaring an emergency."

H. B. No. 597, A bill to be entitled "An Act to authorize an automobile expense allowance out of county funds for constables in heavily populated precincts in counties of more than five hundred thousand (500,000) population according to the last preceding or any future Federal census; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act amending Acts 1943, Forty-eighth Legislature, page 52, Chapter 48, Section 1, providing for tattoo marks for dogs in addition to the provisions of the Act herein amended; and declaring an emergency."

H. B. No. 707, A bill to be entitled "An Act amending Article 1200-a of the Revised Civil Statutes of Texas,

1925 Vernon's Edition, Acts 1939, 46th Legislature, page 92, to enable cities of over 250,000 population to establish two Corporation Courts; repealing all laws in conflict therewith; providing a saving clause; and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act authorizing the payment of reasonable fees and charges to the University of Texas School of Medicine, the State Hospital for Crippled and Deformed Children, and the John Sealy Hospital at Galveston for hospitalization and professional services rendered by members of the staffs of said institutions in the care, diagnosis, and treatment of crippled children under the provisions of Chapter 216, Acts Regular Session, Forty-ninth Legislature, and in the hospitalization and care of patients from the Eleemosynary Institutions of the State under the direction of the State Board of Control, such payments to be based upon proper vouchers or claims to be submitted to and approved by the State Comptroller of Public Accounts and upon warrants issued by the Comptroller to be paid out of available funds of the Crippled Children's Division of the State Department of Health; providing that such payments shall be credited and deposited to the local institutional funds of the respective institutions entitled thereto; and declaring an emergency."

H. B. No. 721, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to lease not exceeding three (3) acres of land a part of the campus of said college to the United States Government, the Army, Navy or other department or agency thereof for the purpose of erecting and maintaining on said land an armory building or other buildings for military instruction; and declaring an emergency."

H. B. No. 733, A bill to be entitled "An Act amending Chapter 88, Section 13, Acts of the 41st Legislature, Second Called Session, as amended by the Acts of the 43rd Legislature, Regular Session, Chapter 178, Section 1, as amended by the Acts of the 48th Legislature, Regular Session, Chapter 51, Section 1, as amended by the Acts of the 49th Legislature, Regular Session, Chapter 22, Section 1, to permit the

State Highway Department to issue for the 1949 and 1950 registration years single plate or plates of metal or other material, symbols, tabs, or other devices, in connection with or in lieu of the motor vehicle license plate or plates; authorizing the Highway Department to prescribe the place of attachment of the license plate or plates, symbols, tabs or other devices; amending Chapter 178, Acts of the 43rd Legislature, Regular Session, as amended by the Acts of the 49th Legislature, Regular Session, Chapter 22, to provide for the design, specifications and purchase of such registration insignia; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 734, A bill to be entitled "An Act to repeal Section 2a, of Chapter 23, Acts 1930, Fifth Called Session, 41st Legislature, whereby no person to be subject to penalty of this law on account of his place of residence in this State, nor the occupation pursued; and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act amending Section 1a, of Acts 1939, Forty-sixth Legislature, Special Laws, page 831, as amended by Acts, 1941, Forty-seventh Legislature, page 445, Chapter 281, Section 1, and Acts, 1945, Regular Session, Forty-ninth Legislature, Chapter 110, page 158 by thereto adding the Counties of Val Verde and Crockett to make it therein lawful to capture, shoot or kill collared peccary or javelina at any time; prohibiting sale of collared peccary or javelina or any part of same in said Counties; retaining Webb, Starr, Zapata, and Dimmit Counties in the provisions thereof; prescribing penalty for violation of any provision of this Act; repealing conflicting laws or parts thereof; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

#### Recess

On motion of Senator Aikin, the Senate, at 12:10 o'clock p. m., took recess to 2:30 o'clock p. m., today.

#### Afternoon Session

The Senate met at 2:30 o'clock p.

m., and was called to order by the President.

#### Senate Bill 325 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Senate Bill No. 325 on passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Lane offered the following committee amendment to the bill:

Amend S. B. No. 325 by striking out in line 3 of Section 1 the word "hereinafter" and substituting in lieu thereof the word "hereafter."

The committee amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill 325 by striking out the period at the end of Section 1 and adding thereto the following: "where such deviation exceeds 2 per cent." And amend the caption to conform.

The amendment was adopted.

Senate Bill No. 325 was then passed to engrossment.

#### Senate Bill 325 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 325 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

## Absent—Excused

Mauritz

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Vote

Senator Chadick asked to be recorded as voting "yea" on the final passage of the bill.

## Senate Bill 273 on Second Reading

On motion of Senator Strauss, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 273, A bill to be entitled "An Act to amend Chapter 5, Penal Code of the State of Texas, by adding a new Article to be designated as Article 613a, and making Article 613 of the Penal Code inapplicable under certain conditions; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 273 on Third Reading

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 273 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

## Absent—Excused

Mauritz

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Votes

Senators Hardeman, Stanford, Knight, Vick, Aikin and Chadick asked to be recorded as voting "nay" on the final passage of the bill.

## Senate Bill 36 With House Amendments

Senator Tynan called S. B. No. 36 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Tynan moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Harris, Kelly of Tarrant, Tynan, Lane and Vick.

## Senate Concurrent Resolution 19 With House Amendments

Senator Cousins called S. C. R. No. 19 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Cousins the Senate concurred in the House amendments.

## Senate Bill 40 With House Amendments

Senator Chadick called S. B. No. 40

from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Chadick, the Senate concurred in the House amendments.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 377, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 212, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JONES, Chairman.

Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred House Bill No. 466, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JONES, Chairman.

Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred Senate Bill No. 388, have had

the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JONES, Chairman.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 79, Authorizing the Enrolling Clerk of the House to correct certain Sections of House Bill No. 513.

H. C. R. No. 80, Authorizing the Enrolling Clerk of the House to correct the caption to conform to the body of House Bill No. 508.

H. B. No. 235, Empowering the Board of Regents of the University of Texas to establish and maintain schools, to be known as "The Graduate School of Social Work," for affording training to students desirous of becoming health and welfare workers; standards; and declaring an emergency.

H. B. No. 251, Amending Article 827b of the Penal Code, as amended by Acts, 1931, Forty-second Legislature, Chapter 27, as amended by Acts, 1933, First Called Session, Forty-third Legislature, Chapter 56, Section 1, as amended by Acts 1935, Forty-fourth Legislature, Chapter 342, Section 1, to omit that portion of this Article providing for the issuance of temporary registration of passenger cars owned by nonresidents of Texas; redefining "nonresident"; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency.

H. B. No. 738, To amend Subdivision 62 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas of 1925, as amended, so as to change the time and terms of holding the terms of the District Court of Lamar, Delta, Hunt and Franklin Counties, Texas, constituting the 62nd Judicial District of Texas; validating

and continuing all process issued or served before this Act takes effect, including recognizances and bonds; making them returnable to the next term of the Court in each of said counties and district as herein fixed; validating the summoning of grand and petit juries under this Act; and declaring an emergency.

S. B. No. 123, Amending Senate Bill No. 38, Acts of the 49th Legislature, Chapter 369, page 668, and providing an appropriation covering administration and special services for special education for exceptional children as defined therein for the biennium ending August 31, 1949; and declaring an emergency. With amendment.

The House refused to concur in Senate amendments to House Bill No. 537 and has requested the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the House: Hughes, Jameson, Spencer, Colson and Suiter.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 20.

The following have been appointed on the part of the House: Bell of De Witt, Kazen, Isaacks, Oltorf and McDaniel.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 79

(Extending Good Wishes of Senate to Classes of Manor High School)

Senator Stanford offered the following resolution:

Whereas, The 7th and 8th classes of the Manor School, together with the teacher, Mrs. Alice Taylor, are visiting in Austin and are at present in the gallery as guests of the Senate; now, therefore, be it

Resolved, By the Senate of Texas, that their presence be recognized and that the good wishes of the Senate be extended to them.

The resolution was read and was adopted.

#### Senate Bill 84 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 84, A bill to be entitled "An Act amending General and Special Laws, 45th Legislature, Regular Session, 1937, Chapter 125, page 229, by adding a new section between Section 3 and Section 4 to be known as Section 3a providing that a portion of a general pension fund for city employees shall be set aside and made a part of the Firemen's Relief and Retirement Fund; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Senator Hazlewood, the bill was laid on the table subject to call.

#### Senate Bill 282 on Second Reading

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 282, A bill to be entitled "An Act amending subsections 19, 21 and 23 of Section 1, subsections 3 and 5 of Sec. 3, subsections 1, 2(b), 2(d) and 4 of Section 5, subsection (c) of Section 6 and subsection (e) of Section 8 of Senate Bill No. 47, Acts of the Forty-fifth Legislature, Regular Session (carrying into effect Section 48a of Article III of the Constitution of the State of Texas, which established a Teacher Retirement System of Texas), as amended by House Bill No. 1016, Acts of the Forty-seventh Legislature, Regular Session (which House Bill No. 1016 amended Sections 1, 5, 6, 7, and 8 of said Senate Bill No. 47), as further amended by House Bill No. 602, Acts of the Forty-eighth Legislature, Regular Session (which House Bill No. 602 amended subsection (14) of Section 1, subsection (3) of Section 3, subsection 1 of Section 5, subsection (2) of Section 7, subsections 1, 5, 7 and 8 of Section 8, and Section 10 of said Senate Bill No. 47, Acts of the Forty-fifth Legislature, Regular Session), by changing and adding provisions so as to provide new definitions of the terms 'Prior Service Annuity,' 'Disability Retirement Allowance' and 'Service Retirement'.

The bill was read second time.

(Senator Vick in the Chair.)



Senator Kelly of Tarrant offered the following amendment to the bill:

Amend Senate Bill 282, subsection 23 under Section 3, page 2, by striking out subsection (a) and inserting in lieu thereof the following:

"(a). At any time after twenty (20) years of creditable service at least ten (10) years of which must have been in the public schools of Texas, and upon attaining the age of sixty (60) years";

On motion of Senator Morris, the amendment was tabled.

Senator Kelly of Tarrant offered the following amendment to the bill:

Amend Senate Bill 282, Section 6, subsection (1), page 4, line 5, by placing a semicolon instead of a period after the word "same" and by striking the quotation marks after the word "same" and adding the following:

"Provided further that all teachers who signed waivers and who are now teaching in Texas and who are otherwise qualified, may have full benefits of the retirement law by paying all delinquent payments and assessments back to September 1, 1937."

Question—Shall the amendment be adopted?

(President in the Chair.)

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. C. R. No. 78, Granting each House permission to adjourn from Thursday, April 10, 1947, until Monday, April 14, 1947.

H. B. No. 100, A bill to be entitled "An Act amending Article 3943, as amended by Acts 1927, 40th Leg., p. 341, ch. 230; Acts 1931, 42nd Leg., 45th Leg., p. 501, ch. 252, par. 1; Acts 1941, 47th Leg., p. 527, ch. 423, par. 1, providing for a maximum of salary or commission for any County Treasurer; etc., and declaring an emergency."

H. B. No. 334, A bill to be entitled "An Act relating to aeronautics; defining certain terms and provisions; providing for acquisition, construc-

tion, maintenance, operation and regulation by municipalities and counties of airports and air navigation facilities; authorizing eminent domain proceedings; providing for the sale, lease and other disposal by counties and municipalities of airports and air navigation facilities, etc., and declaring an emergency."

H. B. No. 293, A bill to be entitled "An Act to amend subsection 4 of Section 3, Acts 1941, Forty-seventh Legislature, Chapter 173, as amended by Acts 1945, Forty-ninth Legislature, Chapter 41, extending reciprocal privileges to non-residents and citizens of foreign countries, etc., and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act creating the Josey School of Vocational Education to be under the direction of the President of Sam Houston State Teachers College, prescribing a course of study therefor, placing said school under the direction of the Board of Regents of the Texas State Teachers Colleges and defining the powers of said Board in connection therewith; providing a rate of tuition, authorizing the issuance of certain scholarship; and declaring an emergency."

H. B. No. 458, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of three separate tracts or parcels across the Nueces Bay and Pass connecting Nueces Bay with Corpus Christi Bay in San Patricio and Nueces Counties, lying under, along and adjacent to the proposed Causeway and its Approaches on Highway U. S. 181."

H. B. No. 536, A bill to be entitled "An Act giving the State Board of Control the authority to cancel certain orders for supplies; and declaring an emergency."

H. B. No. 292, A bill to be entitled "An Act to amend Title 14 of the Revised Civil Statutes by adding thereto Article 307B, providing that law licenses shall be granted without requirements of passage of the State Bar Examination as to any subject or subjects which the candidate has satisfactorily passed prior to entering the Military Service of the United States in certain Law Schools, etc."

H. B. No. 128, A bill to be entitled "An Act providing that wild fox may be taken or killed at any time in Henderson County, Texas; providing that the hides and pelts thereof may be sold; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 242, A bill to be entitled "An Act creating a special road law for Red River County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of January 1, 1947, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 260, Granting permission to A. M. King to bring suit against the State of Texas and/or Highway Department, in a Court of competent jurisdiction, in Runnels County, Texas, for damages to his property alleged to have been caused by the Highway Department of the State of Texas; etc.

H. B. No. 261, Granting permission to Mrs. H. T. Russell, a widow, to bring suit against the State of Texas and/or Highway Department, in a Court of competent jurisdiction, in Runnels County, Texas, for damages to her property alleged to have been caused by the Highway Department of the State of Texas; etc.

H. B. No. 267, A bill to be entitled "An Act to amend House Bill 933, Acts of the 47th Legislature, 1941, Chapter 538, page 864, Acts of the 47th Legislature, 1941; to regulate the use in Fort Phantom Hill Lake of Jones and Taylor Counties, Texas, of certain devices for catching fish and to prohibit the use of certain devices; permitting the use of trotlines under certain conditions; regulating the taking of minnows; providing a penalty; and declaring an emergency."

H. B. No. 286, A bill to be entitled "An Act to amend Section 1 and Section 2, of House Bill 407, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by Section 1, of House Bill No. 205, Chapter 187, Acts of the Forty-seventh Legislature, Regular Session, 1941; providing for the inclusion of trailers and semi-trailers in the Certificate of Title Act, adding two (2) new Sections to be known as Section 2a and Section 2b; defining the terms 'Trailers' and 'Semi-trailers' respectively; authorizing the Department to assign serial numbers for trailers and semi-trailers; providing a saving clause; and providing a repealing clause."

H. B. No. 330, A bill to be entitled "An Act requiring any person hunting any quail outside of the county of his residence upon the private lands of another person in Van Zandt County, to first obtain and have in his possession a written permit; etc., and repealing all laws in conflict with any provision of this Act, insofar as they relate to Van Zandt County."

H. B. No. 366, A bill to be entitled "An Act limiting the number of minnows that may be taken in Panola County; and declaring an emergency."

H. B. No. 367, A bill to be entitled "An Act to amend Chapter 112 of the Acts of the 49th Legislature, Regular Session, with reference to the hunting or taking of deer in Panola County; and declaring an emergency."

H. B. No. 368, A bill to be entitled "An Act providing for a closed season on wild deer and wild turkey in Hopkins, Franklin, and Delta Counties for a period of three (3) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 547, A bill to be entitled "An Act amending McLennan County Road Law, Acts 1929, Forty-first Legislature, First Called Session, page 70, Chapter 34, by adding a new section following Section 22, to be designated 'Section 22a,' providing that the Commissioners' Court of McLennan County may allow each Commissioner certain traveling expenses when traveling on official business in

connection with the maintenance of public roads and highways in said county; and declaring an emergency."

H. B. No. 737, A bill to be entitled "An Act to amend Subdivision 6 of Article 199, Title 8, of the Revised Civil Statutes of Texas of 1925, as amended by Acts 1927, 40th Legislature, page 225, Chapter 154, Section 1; Acts 1931, 42nd Legislature, page 767, Chapter 306; and Acts 1943, 48th Legislature, page 357, Chapter 236, Section 1, so as to change the time and terms of holding the terms of the District Courts of Lamar and Fannin Counties, Texas, constituting the 6th Judicial District of Texas; validating and continuing all process issued or served before this Act takes effect, including recognizances and bonds making them returnable to the next term of the court in each of said counties and district as herein fixed validating the summoning of grand and petit juries under this Act; and declaring an emergency." r

S. B. No. 383, A bill to be entitled "An Act amending Article 3162, Revised Civil Statutes of 1925, by eliminating therefrom the requirement that independent candidates for nomination for city office be required to file a petition of five per cent of the entire vote cast in such city or town at the last general election; providing a method for independent candidates to file for a city or town office; repealing all laws in conflict; and declaring an emergency."

S. C. R. No. 20, Granting J. A. Honeycutt permission to sue the State of Texas.

S. C. R. No. 25, Providing for joint session for the presentation of portraits to the State of Texas.

H. B. No. 389, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever, any wild deer, buck, doe, fawn or wild turkey in Palo Pinto, Stephens, Jones, Shackelford, Erath and Eastland Counties for a period of two (2) years from and after the passage of this Act; providing for the protection of pastures, crops, property and/or gardens being destroyed by deer; providing a penalty therefor; and declaring an emergency."

H. B. No. 411, A bill to be entitled "An Act providing that wild fox may be taken or killed at any time in Newton and Jasper Counties, Texas; providing that the hides and pelts thereof may be sold; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 423, A bill to be entitled "An Act fixing open season for squirrels in Hopkins, Franklin and Delta Counties; fixing the bag limit; providing a penalty; and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act to suspend all laws and parts of laws prohibiting or regulating killing or possessing wild fox or the pelts of wild fox in the counties of Panola, Sabine, San Augustine and Shelby for a period of three years."

H. B. No. 540, A bill to be entitled "An Act amending Article 1041, Title 15, Chapter 3, Code of Criminal Procedure, Revision of 1925, as amended by Senate Bill No. 101, Chapter 7, page 7, of the 45th Legislature, Regular Session, Senate Bill No. 358, Chapter 518, page 543, of the 47th Legislature, Regular Session, and by House Bill No. 522, Chapter 158, page 205, of the 49th Legislature, Regular Session, by fixing the compensation of jail guard, matron, jailer or turnkey in counties having a population in excess of forty thousand (40,000) inhabitants according to the last preceding Federal census; providing in counties having in excess of seventy thousand (70,000) inhabitants and less than two hundred twenty thousand (220,000) inhabitants according to the last preceding Federal census the compensation that may be allowed by the Commissioners' Court for jail guard, matron, jailer or turnkey; providing for salaries for jail guard, matron, jailer, jail bookkeeper and turnkey in counties having a population in excess of two hundred twenty thousand (220,000) inhabitants according to the last preceding Federal census; and declaring an emergency."

#### House Bills on First Reading

The following House bills received from the House were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 548, to Committee on Counties and County Boundaries.

H. B. No. 707, to Committee on Towns and City Corporations.

H. B. No. 712, to Committee on State Institutions and Departments.

H. B. No. 721, to Committee on State Affairs.

H. B. No. 733, to Committee on Highways and Motor Traffic.

H. B. No. 734, to Committee on Highways and Motor Traffic.

H. B. No. 525, to Committee on Stock and Stock Raising.

H. B. No. 514, to Committee on State Affairs.

H. B. No. 516, to Committee on State Affairs.

H. B. No. 758, to Committee on Game and Fish.

H. B. No. 521, to Committee on Labor.

H. B. No. 584, to Committee on Counties and County Boundaries.

H. B. No. 111, to Committee on Civil Jurisprudence.

H. B. No. 127, to Committee on Game and Fish.

H. B. No. 89, to Committee on Game and Fish.

H. B. No. 166, to Committee on Highways and Motor Traffic.

H. B. No. 453, to Committee on Civil Jurisprudence.

H. B. No. 496, to Committee on Highways and Motor Traffic.

H. B. No. 497, to Committee on State Affairs.

H. B. No. 460, to Committee on State Affairs.

H. B. No. 298, to Committee on Highways and Motor Traffic.

H. B. No. 510, to Committee on State Affairs.

H. B. No. 512, to Committee on Towns and City Corporations.

H. B. No. 507, to Committee on Education.

H. B. No. 501, to Committee on Counties and County Boundaries.

H. B. No. 356, to Committee on Education.

H. B. No. 388, to Committee on Education.

H. B. No. 391, to Committee on Counties and County Boundaries.

H. B. No. 419, to Committee on Counties and County Boundaries.

H. B. No. 420, to Committee on Insurance.

H. B. No. 429, to Committee on Criminal Jurisprudence.

H. B. No. 430, to Committee on Civil Jurisprudence.

H. B. No. 297, to Committee on Highways and Motor Traffic.

H. B. No. 287, to Committee on State Institutions and Departments.

H. B. No. 273, to Committee on Highways and Motor Traffic.

H. B. No. 221, to Committee on Civil Jurisprudence.

H. B. No. 217, to Committee on Criminal Jurisprudence.

H. B. No. 257, to Committee on Counties and County Boundaries.

H. B. No. 633, to Committee on Stock and Stock Raising.

H. B. No. 571, to Committee on Counties and County Boundaries.

H. B. No. 582, to Committee on Counties and County Boundaries.

H. B. No. 597, to Committee on Counties and County Boundaries.

H. B. No. 555, to Committee on State Affairs.

#### Report of Standing Committee.

By unanimous consent, the following report was submitted at this time:

Austin, Texas,  
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred House Bill No. 273, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

MORRIS, Chairman.

### Adjournment

On motion of Senator Bullock, the Senate at 3:30 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

### FIFTY-FIRST DAY

(Tuesday, April 15, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Jones, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

### Senate Bill 391 on First Reading

Senator Taylor moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Brown	Crawford
Aikin	Hardeman
Bullock	Harris
Carney	Hazlewood
Chadick	Jones
Cousins	Kelley of Hidalgo

Kelly of Tarrant	Stanford
Knight	Strauss
Lane	Taylor
Moffett	Tynan
Morris	Vick
Phillips	Winfield
Proffer	York
Ramsey	

Absent

Parrish

Absent—Excused

Mauritz

Weinert

The following bill then was introduced, read first time and referred to the Committee on Finance.

S. B. No. 391, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1947, and ending August 31, 1949, and for payment of other specified claims and items; providing for reports of absence from duty of employees; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photostat machines; providing the working hours and vacation allowance of employees; authorizing the receipt and use of Federal Aid; declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of certain candidates, and prescribing procedure for removal of such employees and penalties, and making it unlawful to use the state-owned automobiles and equipment in connection with political campaigns; prescribing regulations and restrictions on traveling expense and expense accounts of state officials and employees; prescribing the method and means for auditing State Departments; allowing free medical attention and hospitalization of prison employees; providing for a budget for the next succeeding biennium; prescribing restrictions on employment of husband and wife in State Departments; limiting the use or occupancy of state-owned buildings; restricting publicity of Departments and individuals; providing for reimbursement of the General Revenue Fund from certain Special Funds; providing for the Board of Control to negotiate purchase of Federal commodities; providing for audit of State